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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA

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9 TERRY CRANDALL MINCEY,) No. CV-F-04-6373 REC
10) (No. CR-F-97-5266 REC)
11 Petitioner,) ORDER DENYING PETITIONER'S
12 vs.) MOTIONS FOR NEW TRIAL AND
13) RELIEF FROM JUDGMENT
14)
15 Respondent.)
16 _____)

17 The court hereby denies petitioner's motions for a new trial
18 and relief from judgment. Although petitioner asserts that he
19 expected this court to order the United States to respond to his
20 motion to vacate, set aside or correct sentence pursuant to 28
21 U.S.C. § 2255 and to set a date for petitioner's reply, this
22 court only does so when the court concludes from its initial
23 review that one or more of the claims asserted in the Section
24 2255 motion have arguable merit, thereby necessitating a response
25 from the United States As the court ruled in its Order Denying
26 Petitioner's Motion to Vacate, Set Aside or Correct Sentence

1 filed on June 3, 2005, petitioner failed to demonstrate that he
2 is entitled to relief under Section 2255 with regard to any of
3 the numerous claims asserted by petitioner. Petitioner's
4 arguments to the contrary set forth in the instant motion do not
5 persuade the court that the rulings made in the June 3, 2005
6 Order are erroneous or contrary to law given the standards
7 governing preliminary review of a Section 2255 motion and the
8 standards governing relief under Section 2255.

9 ACCORDINGLY:

10 1. Petitioner's motions for new trial and relief from
11 judgment are denied.

12 IT IS SO ORDERED.

13 Dated: October 21, 2005
14 668554

/s/ Robert E. Coyle
15 UNITED STATES DISTRICT JUDGE

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